

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,629
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Training and Health Access (PATH) reducing her Food Stamp allotment. The issue is whether the petitioner should receive deductions for certain household expenses in determining her countable income.

FINDINGS OF FACT

1. The petitioner lives in a household with her husband and two children. The petitioner's family has unearned income of \$742 in Social Security payments to the children and \$375 from child support payments. In addition, the petitioner's household recently began to receive \$305.30 per month in unemployment compensation benefits. That \$305.30 represents the net which comes to the petitioner's household after \$107.50 per month in child support payments is taken out. Prior to the receipt of the unemployment compensation, the family had been receiving \$246 per month in Food Stamp benefits.

2. When the Department learned of the receipt of the unemployment compensation benefits, the petitioner's Food Stamp benefits were recalculated. The Department added all of the petitioner's household income together and subjected it to a standard deduction of \$134.00. The petitioner also received a \$110 per month deduction for dependent care expenses. She did not receive an earned income deduction because all of the family's income is unearned. Nor did she present evidence that she had excess medical expenses which might entitle her to that deduction. She received no further deduction for child support paid out since it was already deducted from the unemployment compensation check. The net countable amount was determined to be \$1,178.30. That amount was further reduced by \$269.45, the excess shelter deduction amount. The excess shelter deduction was arrived at by figuring the extent to which the total of the petitioner's monthly mortgage, taxes, insurance and utility expenses, \$858.60, exceeded 50% of her \$1,178 adjusted income which is \$268.45 ($\$858.60 - \$589.15 = \268.45). When that figure was deducted, the petitioner's countable Food Stamp Net Income was determined to be \$908.85.

The petitioner's actual monthly shelter expense is \$410 per month for her mortgage, \$94.30 for taxes and \$20.40 for insurance. The petitioner was also given a \$336 per month standard utility allowance which is in excess of the \$299 utility expenses actually incurred by the petitioner.

3. The petitioner was notified on August 10, 2000 that her new net income made her eligible for \$153.00 in Food Stamp benefits and that her benefits would be reduced to that amount beginning September 1, 2000.

4. The petitioner appealed that decision because she is behind in all of her bills and faces mortgage foreclosure due to unemployment in her household. She cannot cover all of her expenses with her present income of \$1,422 per month. She asks that these matters be taken into consideration and that her original food stamp amount be restored.

ORDER

The decision of the Department is affirmed.

REASONS

The Food Stamp regulations require the inclusion of all unearned income of the household, including Social Security payments, child support payments and unemployment compensation. F.S.M. § 273.9(b)(2)(ii) and (iii). Under the regulations, there are only six deductions which can be made from the total of this income: a standard deduction of \$134, an earned income deduction, an excess medical deduction, a dependent care deduction, a child support

deduction, and an excess shelter deduction. F.S.M. § 273.9(d).

The earned income deduction is not applicable here because there is no earned income. The petitioner got the standard deduction and a deduction for dependent care. She did not get the child support deduction because her husband's child support obligation was already deducted from his unemployment compensation check before he received it. The petitioner presented no evidence that she has excess medical expenses which would entitle her to a further deduction in that area. She received an excess shelter deduction which was calculated according to the regulations at F.S.M. § 273.9(d)(5). There are no other deductions which the petitioner could have received under the regulations for any other kind of expenses or back bills.

The Department was correct in using a countable net income of \$908.85 for the petitioner. A household of four with that amount of income is entitled to \$153 in Food Stamps under the regulations. P-2590 D9. As the Department's decision is in accord with its regulations,

The petitioner should be aware that the amount for a four-person family with this income increased to \$161 as of October 1, 2000. If the petitioner has not received a notice of this increase, she should contact her worker.

its decision must be upheld by the Board. 3 V.S.A. §
3091(d), Fair Hearing Rule 17.

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